

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of	)	CA 03-18
	)	
HIDA, OKAMOTO & ASSOCIATES,	)	
INC. and Harvey Hida,	)	
	)	
Respondents.	)	
_____	)	

CONCILIATION AGREEMENT

On or around January 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Hida, Okamoto & Associates, Inc. and Harvey K. Hida ("HOA"). Business Registration Division records disclose that HOA, whose business address is 1440 Kapiolani Blvd., Suite 1120, Honolulu, Hawaii, is doing business as consulting engineers. Business registration records list Harvey K. Hida as President and Alan T. Okamoto as Vice-President of HOA. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, HOA and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g),  
HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  - 1. On or around January 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Jeremy Harris campaign committee ("Harris"), initiated an investigation involving excess contributions.
  - 2. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
  - 3. Section 11-204(h), HRS reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

4. Section 11-202, HRS reads in part as follows: . . . No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
5. The Commission finds that for the 1997 to 2003 period HOA made contributions to a number of candidates amounting to approximately \$28,000.
6. The Commission finds that for the 1997 to 2000 period HOA made contributions to the Harris campaign amounting to \$7,650.
7. The election period for the Harris 2000 campaign for Mayor of Honolulu includes the period from November 6, 1996 to November 7, 2000.
8. On or about May 1998, HOA made a contribution to Harris in the amount of \$250.
9. On or about June 1999, HOA made a contribution to Harris in the amount of \$250.
10. On or about June 1999, HOA made a contribution to Harris in the amount of \$250.
11. On or about June 1999, HOA made a contribution to Harris in the amount of \$250.

12. On or about June 1999, HOA made a contribution to Harris in the amount of \$500.
13. On or about December 1999, HOA made a contribution to Harris in the amount of \$2,000.
14. On or about December 2000, Alan Okamoto on behalf of HOA made a contribution to Harris in the amount of \$1,000.
15. On or about September 2000, HOA made a contribution to Harris in the amount of \$2,000.
16. On or about September 2000, HOA made a contribution to Harris in the amount of \$500.
17. On or about September 2000, Alan Okamoto made a contribution to Harris in the amount of \$500.
18. That HOA is registered as a noncandidate committee and has filed the required disclosure reports.

## VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-18, HOA understands and agrees to the following:

- (A) HOA agrees to an assessment of **One Thousand Dollars (\$1,000)** pursuant to section 11-228, HRS.
- (B) The Commission finds that HOA made excess campaign contributions to the Harris campaign committee.
- (C) HOA agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(D) Terms of payment of the assessment shall be by Order of the Commission.

- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.
- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and HOA on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

**FOR THE COMMISSION:**

Robert Y. Watada, Executive Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE RESPONDENT(S)**

Harvey K. Hida

By: \_\_\_\_\_

(Name)

(Title)

Date: \_\_\_\_\_